

**ZONING BOARD OF APPEALS
Ipswich, Massachusetts**

**Meeting Minutes
April 16, 2020**

Pursuant to a written notice posted by the Town Clerk and published in the Ipswich Local News, a newspaper of general circulation; the Ipswich Zoning Board of Appeals held a meeting on Thursday April 16, 2020 at 7:30 p.m. remotely via Zoom Video Conferencing, in accordance with the Governor's 3.12.20 Order suspending provisions of the Open Meeting Law to promote public health and safety and social distancing during the public health emergency.

Members tuned in were Chair Robert Gambale, Benjamin Fierro, Lewis Vlahos, Becky Gayton, and Robert Clocker. Associate Members Justin Planasch and Robert Tragert. Also, Administrative Assistant Marie Rodgers. Paul Haverty MHP was present for 25 Pleasant St 40B

This meeting was recorded by ICAM.

Citizen Queries: none

Public Hearings to be continued:

30 and 34 Town Farm Road and 17 Locust Road. Kieran McAllen requests Comprehensive Permit approval, pursuant to MGL Ch. 40B, to construct 40 age-restricted for-sale dwelling units (20 duplexes), of which 25% would be subsidized for low to moderate income use (Assessor's Map 30B, Lots 63, 37A and 33) (continued from the May 2017; all of 2018; all of 2019; through January and March 2020 meetings)

Chairman Gambale read the legal notice and continued the public hearing at the request of the applicant to the May 21, 2020 regularly scheduled meeting in room A of Town Hall or remotely if required at 7:30 p.m. Mr.

MOTION:

Fierro moved to continue to the May 21, 2020 meeting. Mr. Vlahos seconded, the motion passed with a roll call vote: Gayton, yes; Fierro, yes; Vlahos, yes; Clocker, yes; and Gambale, yes. Motion passed unanimously.

26 Essex Road (Assessor's Map 54A, Lot 14A) 36 Essex Road (Map 54C, Lot 22); 38 Essex Road (Map 54C, Lot 22A) 42 Essex Road, (Map 54C, Lot 23) and 44 Essex Road (Map 54C, Lot 24). Essex Pastures, LLC requests Comprehensive Permit approval, pursuant to MGL Ch. 40B, to construct one hundred ninety-four (194) residential rental units, of which forty-nine (49) units would be affordable to households earning no more than eighty-percent (80%) of the area median income. (continued from the June, 2018 all of 2019; through January, February and March 2020 meetings) To be continued without discussion at the applicant's request. Chairman Gambale read the legal notice and continued the public hearing at the request of the applicant to the May 21, 2020 regularly scheduled meeting in room A of Town Hall or remotely if required at 7:30 p.m.

MOTION:

Mr. Fierro moved to continue to the May 21, 2020 meeting. Mr. Vlahos seconded, the motion passed with a roll call vote: Gayton, yes; Fierro, yes; Vlahos, yes; Clocker, yes; and Gambale, yes. Motion passed unanimously.

40 Pineswamp Road. Peter Pappalimberis requests an Appeal of the Building Commissioner's Violation Notice and Order under Zoning, but not necessarily limited to, Sections V.D and XI.G, to discontinue operating an establishment for the repair and/or service of automobiles, trucks and engines which is prohibited in RRA zoning district; unpermitted shed and/or prohibited storage containers; open storage of junk metal and storage of unregistered and unenclosed vehicles at 40 Pineswamp Road (Assessor's Map 41A, Parcel 8A) (continued

from the November 2019 and January, February and March 2020 meetings) To be continued without discussion at the applicant's request.

Chairman Gambale read the legal notice and continued the public hearing at the request of the applicant to the May 21, 2020 regularly scheduled meeting in room A of Town Hall or remotely if required at 7:30 p.m.

MOTION:

Mr. Fierro moved to continue to the May 21, 2020 meeting. Ms. Gayton seconded, the motion passed with a roll call vote: Gayton, yes; Fierro, yes; Clocker, yes; and Gambale, yes. Motion passed with a majority vote. Mr. Vlahos recused himself.

3 Merganser Rd, Robert Warren requests a Variance pursuant to, but not limited to Section XI.K and VI Dimensional and Density Regulations to relocate a 16' x 12' shed no closer than 5-feet to the front lot line. (Assessor's Map 15B, Lot 021) in the Rural Residential B (RRB) Zoning District. (continued from the March 2020 meeting)

Chairman Gambale announced the Petitioner withdrew his Petition in an email dated 4.16.2020.

MOTION:

Mr. Fierro moved to withdraw the Petition Mr. Vlahos seconded, the motion passed with a roll call vote: Gayton, yes; Fierro, yes; Vlahos, yes; Clocker, yes; and Gambale, yes. Motion passed unanimously.

17 Liberty Street, Karen Rosell requests a Special Permit pursuant to, but not limited to Sections XI.J and II.B2 to reduce the rear and side yard setback no greater than 50% of the required, to reconstruct a detached garage 16'x24'. (Assessor's Map 41B Lot 225) located in the In town Residential (IR) Zoning District.

Chairman Gambale read the legal notice and moved to administratively continue to the May 21, 2020 meeting in room A of Town Hall or remotely, if required at 7:30 p.m. due to defect in notification of the abutters.

Chairman announced this evening's meeting will promptly end at 10:00 p.m.

Continued Public Hearings:

25 Pleasant Street, Elder Friendly Housing, LLC. Karl Mayer requests a Comprehensive Permit approval, pursuant to MGL Ch. 40B, to construct eight (8) age-restricted for-sale dwelling units of which 25% (2 units) would be subsidized for low to moderate income use. (Map 41B Lot 043) (continued from August 2018; all of 2019; March 2020 meetings)

Chairman Gambale read the legal notice and re-opened the public hearing at 7:44 p.m.

Attorney Paul Ross was tuned in representing the applicant; he reviewed a power point presentation and gave an over view of the revised plans submitted showing a five unit building and a three unit building, parking area with twelve spaces, handicapped ramps, snow storage behind unit five, oversized trash receptacles.

He reviewed the building lot coverage of the old plan with one building was 42%, the revised plan with two buildings is 21%; the percentage of open space for the one building plan was 37% the revised plan is 38%

Chairman Gambale initiated discussion concerning the logistics of trash/recycle removal; snow removal/storage. All trash pickup, snow removal and landscape maintenance will be private contract.

Attorney Ross described the snow storage area measures approximately 12'x15' and will serve as the recreational area for the residence.

Discussion took place regarding the heights of the buildings at 31'10" for the 3-unit and 32'10" for the 5-unit. Building heights changed based on the elevations. Attorney Ross spoke to the pitch of the roof with an 8-6 foot pitch, changing the look of the gable end and a better look for the neighborhood.

The common meeting room floor plan was viewed and discussed. Attorney Ross described it as a four season open space. The size and lack of windows with natural light was noted as missing. Since there's no storage space provided for residence, Attorney Ross suggested an area in the common room could be assigned. The Photometric Lighting Plan was reviewed – it was noted that the underlying plan was not the same. Attorney Ross will provide an updated plan, as well as a second view showing the light cast on the ground and how the light shines on abutting properties.

In response to Chair Gambale, Paul Haverty MHP consultant indicated he had no comments.

Chair then opened discussion to the public. Kathleen and Ted Spinale direct abutters on Pleasant St voiced their concerns for lighting not only from site but the second and third floor apartments, additionally the trash location and close proximity to their lot.

Linda Alexson 19 Juniper St. cited the Select Board comments from August of 2018 not addressed in one and one half years. She asked about the number of handicapped accessibility units proposed and questioned the 'age in place' pitch with the exterior staircase, no interior stairs and no second egress. She asked if elevators were proposed. She questioned the location of trash so close to lot lines, proposed screening and preventing odors of trash located under windows of homes. She questioned snow storage in the parking area, storm water drainage on lot.

Attorney Ross answered the number of handicapped units would be four; two in the five unit building accessible by ramp near the basement. The three unit building will have one unit in the basement. Not all the units will have accessibility by wheel chairs.

There will be an interior stair case in the center of the five building unit. No plans for an elevator. No second egress because the buildings will be fitted with sprinklers. The trash bins will not be located near the neighbors, located under some windows, but below the level of windows, located along the fence. The storm water drainage to catch basins to underground infiltrators.

Discussion took continued concerning snow storage and excessive snow will be trucked off site. No guest parking and street parking is limited and dangerous and tight.

Attorney Ross will provide a landscape plan showing the location of fencing and trash location. There are 12 parking spaces, four will be handicapped. Discussion was held concerning the parking for guest and safety issues of parking on the surrounding streets. He suggested the town place no parking signs along Blaisdell Street.

Nancy Burgess 3 Blaisdell Terrace questioned as an aging in place home, where would service vehicles park?

She questioned the storm water storage and if the existing system can handle more runoff.

She expressed her concern for the safety of children and impacts of additional traffic, she wants kids to be safe.

Attorney Ross will provide additional information concerning the storm water capacity.

Cheryl Ferris 1 Blaisdell Terrace said she sent an email with her concerns and noted that the plan is labeled incorrectly, #21 is actually #1. She expressed concerns for lack of open space and recreational space for the proposed residence; lack of storage, lack of parking on an already narrow street, limited guest parking.

Attorney Ross will revise plan with accurate house number; he will follow up on snow storage and address the issue of snow storage when snow extends into springtime the Board may condition the decision for snow removal by a certain date. He reviewed the bedroom count is 13- five unit building has five two bedroom and three one bedrooms. The old one building plan has one extra bedroom.

Keri MacRae 3 Heartbreak Road questioned if the HAVC placed on the exterior of the buildings will have a sound study. She noted that the green grass strip is owned by the town.

She expressed concerns there is no proposed green space for residence to enjoy; she opined that the two building plan still has massive impacts for a small parcel of land; not in scale with the surrounding neighborhood. She expressed concerns for the residence traversing the stair case in the winter.

Attorney Ross replied that there is no sound study, that product cut sheets were provided for the HAVC . He spoke to the proposed permeable pavers, which allow grass to grow up between them and said there was grass all-round the buildings. He noted that the second floor of the three unit building has stair access and there is an interior stair in the five unit building.

Kathy Arnold 64 East Street stated her concern for older people descending the stairs to take out the trash, limited green area to sit outside, and too much building on a little lot.

Nancy Burgess wanted to clarify that currently there is not sidewalk on Blaisdell Terrace.

Attorney Ross explained that it is up to the Town to decide whether to install a side walk.

As there were no further comments or discussion, Mr. Fierro moved to continue the public hearing to the May 21, 2020 meeting at 7:30 p.m. in room A or remotely to be determined. Ms. Gayton seconded, the motion passed with a roll call vote.

Documents submitted viewed in public session: Email from Cheryl and Robert Ferris Subject: Zoning Board Meeting, April 16, 2020; Pleasant St Project - PowerPoint April 2020.pdf; 3-Unit Elevation, 5-Unit Elevation, 5-Unit Elevation right and left; Common meeting room floor plan, Pleasant St Project.pdf, Site Cross Section; SITE PLAN Pleasant St Project.pdf; HVAC Condenser Mitsubishi MXZ-2C20NA2.pdf;Outdoor Grille and Island.pdf Rubbermaid Recycling Container 50 Gal on Wheels 11272019.pdf;Heavy Duty Two-Wheel Trash Cart, 96 Gallon - Light Fixture Spec ALED4T50; Light Pole Spec PS4-11-20D2; Photometric Light Plan; Traffic Engineering Analysis by VANASSE & Associates Inc. Transportation Engineers and Planners, Andover Mass. Dennis Housing-Decision 05-07-02().pdf. Westborough-CMA-Decision 06-25-92(OfficialCopy).pdf

26 Chattanooga Road John and Jane Farady requests a Special Permit pursuant to Sections XI.J and V.D to create a Private Guest House (Assessor's Map 23D, Lot 024). (continued from the March 2020 meeting)
Chairman read the legal notice and re-opened the public hearing at 9:40 p.m.

The Petitioner presented his proposal for a private guest house to be used by his adult children and his grandchildren. He acknowledged the definition of private guest house in the Bylaws and will not let it for compensation.

Lengthy discussion took place concerning parking; Chairman Gambale related in speaking with public works the problems with road on Little Neck related to encroachment on the public way.

Larry Graham described the width of the driveway with a dimple about 20', the width of the driveway is 14'; to the left of the residence is room to park and opined that there was plenty of parking area. Abutter Laura Smith, 86 Little Neck Road indicated that she was not opposed to the petitioner application for a guest house. She spoke of activity on Heather Road of moving soils and placing stone. Heather Road is a paper road and is owned by Mr. Farady. He acknowledged he took out some trees and planted grass and put up a retaining wall, as well as placed crushed stone. Ms. Smith objected to this activity and indicated she has purchased building rights from the Proprietors of Little Neck.

Cheryl Andrews 22 Chattanooga Road complained that since the additional and changes to the structure there have been issues with runoff. She indicated that several neighbors have complained of runoff.

Larry Graham spoke to the inspection conducted by the Health Agent who determined another bedroom was permissible without any changes in the septic system. There are currently three bedrooms and the septic system is a four bedroom system.

The Board determined that activity on Heather Road was not relevant to the granting of a special permit for a private guest house.

MOTION:

Mr. Fierro moved the Board find the benefits of a private guest house outweigh any adverse effect to the town.....cites the criteria in the bylaw.

And the architectural drawings from Scott Brown and site plan from Larry Graham are sufficient and credible for the Board to make a determination and the applicant has met the first two criteria. Vlahos seconded, the motion passed unanimously with a roll call vote: Fierro, yes; Clocker, yes; Gayton, yes; Vlahos, yes; and Gambale, yes.

Mr. Fierro reviewed the special permit criteria and the Board found the proposal met the criteria for granting a special permit.

As there we no comments from abutters or others,

MOTION:

Mr. Fierro moved that the Board make the findings 1-6 as set forth in section XI.J for the special permit criteria. Gayton seconded. The motion passed unanimously with a roll call vote; Fierro, yes; Clocker, yes; Gayton, yes; Vlahos, yes; and Gambale, yes.

MOTION:

Mr. Fierro moved the Board grant a Special Permit pursuant to Sections XI.J and V.D for a Private Guest House in the accessory structure as shown on plan from H.L. Graham Associates dated 2.20.2020 subject to be modified to show parking on site and eliminate parking on Chattanooga Road; and plan submitted from Scott Brown, Newburyport, MA dated for use as a Private Guest House and not let for compensation. Vlahos seconded. The motion passed with a roll call vote; Fierro, yes; Vlahos, yes; Clocker, yes; Gayton, yes; and Gambale, yes.

Chairman announced it was 10:36 p.m. and the Board members agreed to end the meeting.

5 Hickory Lane Douglas Smith for a Special Permit was administratively continued to the May 21, 2020 meeting. Vlahos seconded, the motion passed with a roll call vote: Gayton, yes; Fierro, yes; Clocker, yes; and Gambale, yes. Motion passed unanimously.

Approval of Minutes:

Mr. Gambale moved to approve and accept meeting minutes of 1.13.20 and 2.20.20 3.16.2020. Mr. Vlahos seconded, the motion passed unanimously. (*meeting minutes hereby incorporated by reference*)

Adjourn - It was moved, seconded and unanimously voted to adjourn at 10:39 p.m.

Respectfully submitted,
Marie Rodgers
Administrative Assistant

These minutes were approved on May 21, 2020

Pursuant to the 'Open Meeting Law' the approval of these minutes by the Board constitutes a certification of the date, time and place of the meeting; the members present or absent; the findings made and actions taken. Any other description of statements made by any person, or the summary of the discussion on any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Board as to the completeness or accuracy of such statements.